

**USDA Food Distribution Program on Indian Reservations (FDPIR)
Tribal Leaders Consultation Work Group (TLCWG) on FDPIR**

Date: Monday, December 9, 2024

Time: 9:00 a.m. Pacific Time – 5:00 p.m. Pacific Time

Location: The Palms Casino, Las Vegas, NV

In-Person and Virtual Meeting

- I. Opening Prayer**
- II. Welcome and Opening Remarks**
 - ***Governor James Mountain:*** Acting Chair, Tribal Leader Consultation Work Group (TLCWG)
 - ***Cindy Long:*** Deputy Undersecretary, Food, Nutrition, and Consumer Services (FNCS)
 - ***Betsy Rakola:*** Acting Director, Office of Tribal Relations (OTR)
- III. Introductions – Welcome and Recognize Tribal Leaders and USDA Leadership**
 - TLCWG Acting Chair
 - Deputy Under Secretary Cindy Long
- IV. Previous Business & Agenda-setting**
 - Acceptance of Consultation Minutes – October 2024
 - Approval of Agenda
- V. Presidential Administrative Transition**
 - Update on USDA Transition Plans from USDA
 - FNS commits to including information about Consultations with TLCWG in the transition materials for the new administration.
 - FNS stated that Dr. Tameka Owens, Betsy Rakola, and Erin Parker will be the leadership points of contact during the transition to the next administration.
 - TLCWG wishes to continue with three consultations per year and requested the usually scheduled February Consultation be moved to April following the administration transition.
 - Tribal leaders requested a copy of the administration transition report. FNS communicated the administration transition report is an internal document and agreed to confirm whether it can be shared externally. FNS committed to underscoring the importance of the programs to the incoming administration.
- VI. FDPIR Access and Parity Rule**
 - Update from USDA
 - FNS shared that the final rule updates regulations for all food distribution programs that serve households with low-income – including FDPIR – with a

goal of increasing access to all programs and increasing parity between FDPIR and SNAP.

- Most of the FDPIR changes in the rule will take effect within 60 days of the rule's publication, on December 30, 2024.
- On November 6, FNS published an initial implementation memorandum which outlines implementation deadlines and guidance for the FDPIR provision in the rule; and FNS will be publishing additional provision-specific guidance as well.
- Request for feedback on the Administrative Waiver Authority Memo and Sample Template
 - FNS shared that the final rule also establishes administrative waiver authority for FDPIR. This authority was made effective immediately upon publication of the final rule, so it is available for FDPIR administering agencies to use now.
 - The authority allows FNS to waive or modify specific FDPIR administrative requirements under similar processes, for similar amounts of time, and in similar situations as outlined in SNAP regulations.
 - Under this authority, FDPIR administering agencies can request waivers of specific regulatory requirements. To support simplicity in the administrative waiver process, FNS may also issue nationwide waivers if determined to be necessary and applicable to all FDPIR administering agencies.
 - The consultation framing paper included attachments of two draft documents related to this waiver authority. One is a draft interim guidance memo for FDPIR administering agencies that explains what the waiver authority is, the situations in which administering agencies can request that requirements be waived, how requests should be submitted to FNS, and the limitations on the waiver authority, among other related topics.
 - The second document is an optional template for administering agencies to use in submitting a waiver request to FNS, which is intended to ensure that all required elements are included in their request.
 - FNS welcomed Tribal leaders' input on both documents during and after Consultation, and FNS also plans to seek FDPIR program operator feedback after consultation.
 - At the request of Tribal leaders, FNS committed to sending information regarding waiver approvals to Tribal officials as well as the FDPIR staff, if requested by the FDPIR administering agency in the initial waiver request.
 - Post-consultation, FNS released the [interim guidance and optional template](#), requesting FDPIR administering agency review and comment by the end of January 2025.
 - The final memo and template will be shared with FDPIR administering agencies as early as February/March after all feedback has been received and considered.

- FNS confirmed there have not been any waiver requests yet.

VII. USDA DoD Fresh Fruit and Vegetable Program (“USDA DoD Fresh”)

- Summary of Activities
 - Tribal leaders requested that DoD include Tribal leaders’ input and review of their contracts.
 - Tribal leaders requested DoD reexamine geographic considerations for deliveries, rather than by State. DLA requested contact information for this specific situation to see if there would be an alternative acquisition approach. DLA will send a field representative to the Tribe to see the concerns in person.
 - DLA continues to visit sites along with FNS.
- Updated Vendor Contract Language
 - In DLA contracts, DLA began including additional metrics for vendors, ITO preferred delivery dates, separating pallets of eggs, and cultural competency training.
 - DLA has eleven new contracts beginning in 2025 and all the new contracts will have the new contract language.
 - In conjunction with FNS, DLA has an incident tracker in FFAVORS to report issues with products and request new product.
 - DLA shared that it hired two new customer representatives to make vendor and customer visits. One represents North and South Dakota and the other represents Wisconsin and Northern Michigan. DLA recognized that Northern Idaho/Wyoming and Mississippi/Louisiana need customer representatives.
 - DLA committed to sending a customer account specialist or field representative to Idaho to witness deliveries and address contractual issues. DLA will also look into alternative acquisition approaches that reduce transit time for food deliveries.
 - DLA confirmed that the two new field representatives have been making visits to Tribes and will continue to do so. DLA field representatives have made over 40 visits in 2024. DLA proactively visits Tribes, but if there is a specific need to visit, DLA requests that the Tribes inform them so they can schedule a prompt visit.
 - Tribal leaders requested delivery date flexibility in the contracts due to holidays. DLA provided that the vendors should work directly with the Tribes to schedule around holidays.
 - Tribal leaders inquired whether ITOs can pick up the product directly from the vendor. DLA stated that they do direct deliveries but would follow up on whether that is possible. DLA contracts are written as direct vendor deliveries (DVD). In one-off type situations, with agreement between the customer and contracted vendor of record and approval by the contracting officer, ITOs may arrange pick up orders from the contracted vendors facilities.

- Tribal leaders encouraged ITOs to be more involved in the contracting process with DLA.
- Tribal leaders emphasized the importance of visits to Indian Country to understand the unique logistical challenges.
- Continued Discussion on Fresh Produce
 - Tribal leaders requested regional contracts in place of state contracts where feasible.
 - FNS welcomed feedback via the partner groups related to input about the program, vendors, metrics, and contract language. Anyone can participate in the partner groups.
 - FNS and DLA connected separately with a Tribal leader to ensure DLA/USDA visits.

VIII. Nutrition Symposium 2025

- Update from FNS
 - FNS shared that it continues to work in partnership with the NAFDPIR Board to host a FDPIR Nutrition Education Symposium, a conference intended for FDPIR programs to share their approaches to improving health in their communities, create partnerships, and engage with new and existing resource opportunities.
 - FNS met with the NAFDPIR Board and the Native Food and Nutrition Resource Alliance (NFNRA) on September 18, 2024. The NAFDPIR Board recommended collecting additional feedback from FDPIR programs during the annual NAFDPIR conference on the structure and time of year that the Symposium should be held.
 - During the NAFDPIR conference held October 6-10, 2024, FNS collected feedback from 58 attendees representing 58 tribes. Responses indicated that programs are interested in attending a 2–3-day FDPIR Nutrition Education Symposium, ideally in late spring or early fall.
 - FNS shared feedback results with the NAFDPIR Board and discussed in further detail following an FDPIR Food Package Review Workgroup meeting on November 13, 2024. During this discussion, the consensus was to host the Symposium in June or September 2025 near an FDPIR site and major airport. The NAFDPIR Board strongly encouraged FNS to host the event near an ITO that currently offers a robust nutrition education program.
 - Using the criteria identified, on November 22, FNS recommended five potential locations and dates to the NAFDPIR board. FNS requested feedback by December 3 and extended this date to December 5.
 - While the NAFDPIR Board identified September 24-26 as a preferred date, some Tribal leaders noted that late September is difficult to travel due to the end of Fiscal Year.
 - Based on this collective input and a minimum of 6-months required for planning, FNS will proceed with checking availability at Cheyenne and

Arapaho Tribes, Winnebago Tribe of Nebraska, and Ho-Chunk Nation to host the Nutrition Education Symposium in September 2025. .

- FNS will continue to collaborate with logistics partner, University of Mississippi Institute of Child Nutrition, to secure a date and location for the Symposium.

IX. Working with Tribal Communities Training Update

- Update from FNS
 - FNS stated that Tribal leaders' input has been included in trainings on the topic of working with Tribal communities.
 - FNS held the first training in early December 2024 covering foundational concepts such as Tribal sovereignty, government-to-government relations, trust responsibilities, self-determination, and Consultation.
 - FNS will continue the trainings, including talking circles, in 2025.
 - Tribal leaders acknowledged the progress the TLCWG has made and underscored the importance of advocacy through Consultation and the Office of Tribal Relations.
 - OTR shared that the White House Council on Native American Affairs released trainings that will be provided across the Federal government, specific to Tribal Nations.
 - FNS stated that everyone at USDA has a responsibility to understand how to carry out their work with Tribal nations.

X. Tribal Affairs Specialists Update

- Summary from USDA FNS Tribal Affairs Specialists
 - FNS explained about the work of the Office of Tribal Relations and the Tribal Affairs Specialists (TAS) roles.
 - FNS introduced the Tribal Affairs Specialists and gave an overview of their position.

XI. 638 Self-Determination Contracting

- Update from FNS
 - FNS shared that there are eight FDPIR Tribal Organizations participating in Round 1 of the demonstration project and eight FDPIR Tribal Organizations participating in Round 2 of the demonstration project.
 - Each of the 16 Tribes is making progress on their planned food purchases; and FNS continues to hear that the projects are being well received in the communities that they touch.
 - In August 2024, FNS completed budget modifications for Round 1 Tribes to provide additional funds to continue to support contract activities, and to extend the Round 1 period of performance from September 2024 to June 2026. This change aligned the end of the Round 1 period of performance with

the end of the Round 2 period of performance, so now all Tribes have contracts that run through June 2026.

- FNS currently has a balance of funds of \$3.0M (FY 2024 funds) for demonstration project activities.
- With Tribal leader support, FNS will work to ensure participating demonstration Tribes have sufficient financial resources to support contract activities through June 2026 (e.g., purchase of foods, associated expenses such as equipment and extra staff time, etc.).
- FNS proposed to review the budgets for Round 2 Tribes and to use the balance of funds to pursue budget modifications, where needed, following the same process that we used for Round 1 Tribes. This process will ensure all existing participating demonstration Tribes have the financial resources needed to complete contract activities through June 2026.
- FNS will continue to seek support from the Department of the Interior, Bureau of Indian Affairs (BIA) to support the contract modifications for Round 2 Tribes.
- FNS invited feedback from Tribal leaders on this tentative plan for available FY 2024 funds, and on any other demonstration project related activities or topics.
- Tribal leaders participating in the demonstration project shared that they are pleased with 638 and advocated for 638 permanence. Tribal leaders requested additional funding because of the success of the project.
- Tribal leaders asked whether there will be additional opportunities for more Tribes to participate. FNS stated that it is dependent upon funding and Congress and will offer a plan once there is funding.
- FNS is committed to supplying funding for the existing ITOs so they can rely on consistent food deliveries through the project.
- Tribal leaders expressed support for permanence in the self-determination contracting.

XII. State SNAP-Ed Consultations

- FNS Report of State Consultation Efforts Documented in State SNAP-Ed Plans
 - In May, FNS shared the first analysis of State SNAP-Ed Plan data on Tribal consultation activities reported in the new N-PEARS system. While implementation of N-PEARS allows for significant improvements in FNS's ability to review and oversee SNAP-Ed nationwide, as with any new data system, FNS is identifying areas where collection efforts can be improved to ensure data quality and consistency.
 - For FY 25, FNS made some minor updates in N-PEARS to improve the quality and consistency of data collection on Tribal consultation activities. FNS is in the process now of finalizing our analysis of Tribal consultation activities reported in FY 25 SNAP-Ed State Plans and will share the report with NAFDPIR soon.

- Tribal leaders advocated for the important of SNAP-Ed funding to nutrition education efforts and emphasized that they are interested in receiving the latest report on consultation activities as soon as possible.
- FNS recognized that this analysis is a starting point for improving our efforts to target outreach and technical assistance to States around Tribal consultation activities. FNS plans to build on actions taken over the last several years, including those supported by NAFDPIR members, and continue to improve oversight and support for these efforts moving forward, working collaboratively with RO offices and SNAP State agencies.
- FNS shared that the August 2024 State SNAP Directors Conference included a Tribal consultation informational session. Tribal leaders participated in the session and continue to express support for these efforts.
- Tribal leaders requested a follow-up discussion after FNS provides the FY 25 SNAP-Ed State Plans analysis document.

XIII. Supporting Increased State SNAP Agency Coordination with ITOs

- Update on Increasing Coordination with ITOs to Better Serve Program Participants
 - FNS shared that the FNS memo to SNAP and FDPIR administrators regarding increasing coordination around SNAP/FDPIR dual participation and comparable disqualification requirements is still in internal review and clearance.
- Progress in Identifying National and State SNAP Point People for ITOs
 - FNS acknowledged that the directory shared in May with NAFDPIR does not fully address the concerns previously raised, as it includes general phone and email contact information for a number of States.
 - To help target FNS outreach to States to identify specific points of contact, FNS asked that Tribes raise any specific States where this continues to be a significant challenge. FNS will then prioritize outreach accordingly.
 - Tribal leaders provided an example of a State agency that did not take action on a comparable disqualification. FDPIR officials took appropriate actions regarding an intentional program violation, including contacting the State agency about the need for a comparable disqualification, and the State agency did not indicate that they would immediately act.
 - FNS indicated that they will follow up with the State agency to clarify policy.

XIV. Integrated Financial Management System (IFMS) and Alternative Computer Systems

- Request to continue supporting IFMS users.
 - FNS shared that the IFMS team conducted a series of in-person trainings on IFMS during 2024 to provide technical assistance. The IFMS team has also done six site visits to see IFMS implemented onsite.
 - FNS has a list of enhancements from the IFMS User Group that guides the IFMS programming which include:
 - Remote household application function

- Remote household ordering functionality
- FNS stated that the amount of food and number of items in the food package increased. FNS will share the information more broadly, so Sygnal users are aware.
- FNS commented on an auditing issue that a Tribal leader raised.
- FNS continues to coordinate with Sygnal to be more responsive to administrative funding for ITOs that plan to switch to Sygnal.
- Tribal leaders expressed having difficulty with internet access in remote areas and participants' familiarity with using Internet.
- Tribal leaders explained a problem with deleting codes in IFMS.
- Tribal leaders requested Sygnal to be a part of future discussions about systems. FNS agreed to include them in future agendas.
- FNS stated that Sygnal assisted during the warehouse issues by sharing inventory data which FNS appreciates.
- Sygnal shared that currently 32 ITOs use Sygnal, 22 ITOs are in the process of switching to Sygnal, and 14 ITOs are evaluating using it.

XV. Veterans Service-Connected Disability Compensation and Foster Care Payments

- FNS shared that during past Tribal consultations, the FDPIR community, Tribal leaders, and FDPIR program directors asked FNS to exclude payments received from the Department of Veterans Affairs - such as VA pensions and VA disability payments - from being counted as income in FDPIR.
 - SNAP counts VA pension and VA disability payments as income because Section 5(d) of the Food and Nutrition Act, the authorizing statute for SNAP, explicitly directs them to.
 - The USDA Office of General Counsel has confirmed that for FDPIR, this limitation is in regulation but not in statute, so FNS has the flexibility to use the rulemaking process to change the regulations to exclude these payments within FDPIR.
 - FNS explored the possibility of changing these regulations in the final Access and Parity rule that we discussed earlier. However, the USDA Office of General Counsel advised that FNS was unable to make adjustments to the final rule to exclude veterans' payments from income eligibility calculations, as this change was not a part of the proposed rule when it was published for public comment.
 - FNS would need to undergo a separate rulemaking process to implement such a change for FDPIR.
 - FNS is committed to supporting FDPIR ITOs and the veterans they serve, and we will continue to communicate any future changes to FDPIR that would impact the Tribal veteran community.
- FNS also consulted with the USDA Office of General Counsel to confirm that foster care payments have the same regulatory flexibility as VA pension and VA disability payments.

- FNS would need to initiate a new rulemaking process to implement such a change for FDPIR.

XVI. FDPIR Warehouse Delivery Disruptions

- Update from FNS
 - FNS shared recently that as of late October, USDA has returned to on time deliveries for FDPIR. Program operators can expect their deliveries on regularly scheduled delivery dates.
 - FNS commits to this level of service and regrets not being able to uphold that commitment in recent months.
 - FNS also commits to accurate and high-quality deliveries. FNS shared data explaining the available inventory in IFMS and Sygnal.
- FNS provided short-, mid-, and longer-term responses regarding the warehouse delivery disruptions. The short-term responses included:
 - FNS shared that there are 87 signed and processed CCC agreements (none are pending) totaling just over \$10.1M. Based on the outreach FNS conducted a few weeks ago, FNS believes all ITOs intending to accept the funding have done so; however, at this time, USDA will continue processing agreements as they are received. If there are any Tribes planning to accept the funding that have not yet done so, FNS urges them to do so immediately.
 - Funds remain available for obligation through September 2025 and are available for the broad use of purchasing domestic commodities. As part of the regular technical assistance FNS provides to program operators, over the next year FNS will be in conversation with FDPIR program operators about the uses of these funds. Formal reporting will occur at the end of the period of performance.
 - FNS shared that Tribes may have made purchases before the CCC grants were made available, i.e., prior to the date of the August 12th announcement. Funding sources are typically restricted in the ability to fund prior purchases, and this is true of the CCC funding source. FNS researched other possible funding sources and confirmed there are no currently available sources of funding that legally can be used to support retroactive expenditures. FNS understands this may impose some hardship on Tribes and while unable to meet this request for reimbursement, FNS remains available to support technical assistance in the use of currently available CCC funds for purchases as of August 12th.
 - Tribal leaders encouraged FNS to collect data on how the CCC funds were used, the types of foods purchased, and the impact on participation to inform broader program operations.
 - Tribal leaders encouraged FNS to continue to look for other funding sources for purchases expended before August 12th.

- FNS also shared that twenty-five FDPIR administering agencies received deliveries under the DoD Fresh Expansion. Zero deliveries are pending.
 - The foods provided through this option were supplemental to the FDPIR food package and supported filling immediate gaps in inventory needs. With USDA returning to on time deliveries, and with inventory levels in line with historical averages, at this time we are not planning additional deliveries under the DOD Fresh Expansion.
 - FNS will be phasing out these expansion deliveries, however, FNS' partnership with DLA remains committed to the DoD Fresh Fruit and Vegetable Program.
- FNS shared that it activated 20 TEFAP situations of distress, allowing the emergency feeding network to support filling severe inventory gaps. 10 ITOs have been supported by these situations of distress
 - Over the next few weeks, FNS will be reaching out to all TEFAP State agencies operating situations of distress to identify whether any support remains active. If it does, we will be in communication with the Tribes receiving the support to identify whether technical assistance can be provided to support national warehouse deliveries for sufficient inventories.
 - FNS expects the 20 TEFAP situations of distress to formally conclude within the next several weeks, over the same timeline FNS formally phased out the DoD Fresh expansion.
- One Tribal leader expressed preference for returning to ordering 8 days in advance instead of the current 10 days. FNS previously added two more days to place orders which has helped improve timeliness of deliveries.
 - FNS stated that if out of condition food is received, inform FNS and it may be able to be changed before the next delivery date.
- FNS provided a status update on Paris Brothers deliveries and Americold emergency surge contracting.
 - As of late October, USDA has returned to on time deliveries for FDIPR. Program operators can expect their deliveries on regularly scheduled delivery dates.
 - Under the Americold contract, FNS transitioned 53 FDPIR administering agencies to being serviced by Americold, with the remaining receiving continued service from Paris Brothers.
- AMS provided an update about onsite inspection presence and reports at Paris Brothers.
 - The inspectors aim to inspect as much product as possible prior to shipment, with priority on high-risk products, dry goods, and pallets with multiple products. Shipments to Alaska and Hawaii are also prioritized.
 - AMS inspectors work with warehouse personnel, quality control staff, and product pickers to provide feedback.

- AMS reported that Paris Brother continues to steadily improve their quality control.
- AMS also reported that Paris Brothers recently changed their pest control company to Ecolab, who is onsite daily and has a robust pest control strategy.
- AMS shared the status of the national warehouse contracts. AMS released an RFI to gather information to inform the solicitation for a new multifoood warehouse contract. AMS, FNS, and program representatives on the recompetete team are reviewing feedback received through the RFI process.
- FNS discussed a proposal to resume regular programmatic activities, including Management Evaluations and the FDPIR Study.
 - MEs are currently paused, but FNS proposed starting MEs in March 2025. The sections relating to warehouse and inventories will not be evaluated but rather approach it as technical assistance. Those two sections will not be evaluated for findings. Tribal leaders agreed that as long as participants needs are being met, start MEs in March 2025.
 - Tribal leaders asked whether there is there a list of 25 Tribes for MEs. FNS shared that based on risk assessments, there are around nine ITOs that are due for MEs.
 - FNS described the FDPIR Participant Characteristic and Program Operations Study. FNS proposed to resume the study activities in January, and Tribal leaders agreed.
 - Regarding the weekly Thursday calls, FNS shared two suggestions for future calls which Tribal leaders agreed with: (1) adjusting calls to monthly and (2) passing calls from the Deputy Undersecretary to career staff. Tribal leaders supported this approach.
- FNS stated that FDPIR is in a much better position since October, with inventory levels at appropriate levels, on time and accurate deliveries, and continued work to do on quality.

XVII. Other Business – CSFP

- Tribes are eligible to administer the Commodity Supplemental Food Program (CSFP), and Tribal leaders encouraged FNS to give more technical assistance for inventory management and certification tracking via a software program. Tribal leaders also encouraged including fresh foods in CSFP.
- FNS shared that CSFP administrative funding is in statute.

XVIII. Follow-Up Action Items

1. Tribal leaders requested a copy of the administration transition report. FNS will check to see whether report may be shared publicly.
2. Tribal leaders requested that their FDPIR program’s Tribal officials be included on FDPIR waiver request for awareness, if requested by the ITO in the initial submission.

3. Tribal leaders inquired whether ITOs can pick up the product directly from the vendor. DLA stated that they do direct deliveries but would follow up on whether that is possible.
4. FNS will proceed with checking availability at Cheyenne and Arapaho Tribes, Winnebago Tribe of Nebraska, and Ho-Chunk Nation to host the Nutrition Education Symposium September 2025.
5. FNS will share the SNAP N-PEARS report with Tribal leaders as soon as it is finalized.
6. FNS will continue to identify National and State SNAP direct point of contacts for ITOs.
7. Tribal leaders requested Sygnal be a part of future discussions about systems during consultations.
8. Tribal leaders agreed to monthly check-in calls which FNS will schedule and host virtually.

XIX. Schedule Next Consultation

- The next Consultation will be at the [Tribal Self Governance Conference](#) on Monday, April 7, 2025 at Gila River's Wild Horse Pass Resort and Casino in Chandler, AZ.
- Tribal leaders requested that FNS inform the new administration about participation in another December Consultation in 2025.

XX. Closing Remarks and Closing Prayer